

## REMARKS

Claims 1-55 are pending. No claims have been amended.

### **Double patenting rejection**

Claims 1-55 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,282,713. A terminal disclaimer in compliance with 37 CFR § 1.321 is filed herewith to overcome the provisional nonstatutory double patenting rejection.

### **Rejections under 35 U.S.C. § 102(a)**

Claims 1-4, 6-10, 12, 13, 15-17, 19-22 and 24-55 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,496,981 by Wistendahl, et al., (“Wistendahl”). Applicants respectfully submit that Wistendahl does not disclose each and every element of the invention as claimed in claims 1-4, 6-10, 12, 13, 15-17, 19-22 and 24-55.

Wistendahl discloses converting TV programs, such as home shopping shows, from a conventional video signal format into interactive TV programs. This is done by mapping the products displayed on the TV screen as “hot spots” to allow switching to or overlaying additional information or follow-on options about the product selected by the viewer. Wistendahl further discloses that in case of converting a TV game into an interactive TV game, the available game option buttons (e.g., GO, STOP, PAY RENT, PASS, COLLECT \$200, etc) on the display have a halo around them. The halo of a currently toggled button is highlighted.

With regard to independent claims 1, 12, 19, 26, 32, 40, 46 and 52, Wistendahl does not teach or suggest providing an alert to the viewer when advertising information is available. Wistendahl merely discloses providing a halo around the options on the display available to the viewer. The halo around an option is not equivalent to an alert, as claimed, because the halo does not alert the viewer that advertising information is available for an item. Further, selecting the halo around an option does not lead to the display of the advertising information along with the broadcast of a program, as claimed.

Accordingly, applicants respectfully submit that independent claims 1, 12, 19, 26, 32, 40, 46 and 52 and associated dependent claims 2-4, 6-10, 13, 15-17, 20-22, 24 33-39, 41-45, 47-51, and 53-55 are not anticipated by Wistendahl under 35 U.S.C. § 102(a). Therefore, applicants respectfully request the withdrawal of the rejection of the claims 1-4, 6-10, 12, 13, 15-17, 19-22 and 24-55.

#### **Rejections under 35 U.S.C. § 103**

Claims 5, 11, 18 and 23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Wistendahl in view of U.S Patent No. 5,285,278 by Holman (“Holman”). Wistendahl does not teach or suggest each and every limitation of associated independent claims 1, 12 and 19, and Holman does not supply the missing limitations.

Holman discloses an electronic redeemable coupon generating system. Holman discloses that during the presentation of a television commercial, a viewer pushes a VIEW button to view messages associated with the product which is the subject of the commercial. The messages may include coupon offers. The user may acquire the coupon by pressing the COUPON button. Thus, like Wistendahl, Holman does not teach or suggest providing an alert to the viewer when the advertising information is available, as claimed in independent claims 1, 12 and 19.

Accordingly, applicants respectfully submit that Applicant’s invention as claimed in claims 5, 11, 18 and 23, which depend from and therefore include each and every limitation of associated independent claims 1, 12 and 19, is not rendered obvious by the Wistendahl and Holman combination. Therefore, applicants request the withdrawal of the rejection under 35 U.S.C. § 103(a).

#### **SUMMARY**

Claims 1-55 are currently pending. In view of the foregoing remarks, applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then applicants hereby request such an extension.

Respectfully submitted,

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